

**26412. Rice.** (F.D.C. No. 44049. S. No. 92-032 P.)

QUANTITY: 10 100-lb. bags at Salt Lake City, Utah, in possession of Utah Wholesale Grocery Co.

SHIPPED: 9-30-59, from De Witt, Ark.

LIBELED: 2-2-60, Dist. Utah,

CHARGE: 402(a)(2)—while held for sale, the article was a raw agricultural commodity and contained an added poisonous and deleterious substance, namely, DDT, which was unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for DDT on rice has been prescribed by regulations; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-22-60. Default—destruction.

**26413. Wheat.** (F.D.C. No. 43478. S. No. 76-643 P.)

QUANTITY: 110,270 lbs. at Spokane, Wash.

SHIPPED: 9-28-59, from Kalispell, Mont., by Kalispell Feed Grain Co.

LIBELED: 10-16-59, E. Dist. Wash,

CHARGE: 402(a)(2)—when shipped, the article was a raw agricultural commodity and it contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 11-3-59. Consent—claimed by Kalispell Feed Grain Co. Segregated; 5,950 lbs. found unfit.

**26414. Wheat.** (F.D.C. No. 44111. S. No. 40-785 R.)

QUANTITY: 68,640 lbs. at Baton Rouge, La.

SHIPPED: 3-25-60, from East St. Louis, Ill., by Cargill, Inc.

LIBELED: 3-31-60, E. Dist. La./

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-29-60. Consent—claimed by Cargill, Inc., and converted into poultry feed.

**26415. Wheat.** (F.D.C. No. 44119. S. No. 20-580 R.)

QUANTITY: 120,800 lbs. at Maumee, Ohio.

SHIPPED: 3-31-60, from Auburn, Mich., by Frutchey Bean Co.

LIBELED: 4-11-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-25-60. Consent—claimed by Frutchey Bean Co., and converted into animal feed.

**26416. Blueberry pancake mix.** (F.D.C. No. 43133. S. No. 48-208 P.)

QUANTITY: 79 cases, 24 8-oz. pkgs. each, at Brighton, Mass.

SHIPPED: 4-8-59, from Newark, N.J., by Duff Baking Mix Corp.

LABEL IN PART: (Pkg.) "Duff's Blueberry Pancake Mix \* \* \* Duff Baking Mix Corporation, Newark, N.J. \* \* \* Blueberry French Pancakes \* \* \* Blueberry Muffins \* \* \* Contains: Wheat and Corn Flours, Stabilized Blueberries."

LIBELED: 4-29-59, Dist. Mass.

**CHARGE:** 402(b) (2)—when shipped, purple pellets, consisting chiefly of sugar, gum acacia, citric acid, starch, artificial color, artificial flavor, and blueberry pulp, had been substituted in whole or in part for blueberries; 402(b) (4)—purple pellets, consisting chiefly of sugar, gum acacia, citric acid, starch, artificial color, artificial flavor, and blueberry pulp, had been added to the article, or mixed or packed therewith, so as to make it appear better or of greater value than it was; and 403(a)—the label statements "Blueberry Pancake Mix \* \* \* Blueberry French Pancakes \* \* \* Blueberry Muffins \* \* \* Stabilized Blueberries \* \* \*," and vignette displaying pancakes appearing to contain blueberries, were false and misleading.

**DISPOSITION:** 6-26-59. The Duff Baking Mix Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law. Following the release of the product to the claimant the product was destroyed.

## DAIRY PRODUCTS

### BUTTER

**26417. Butter.** (F.D.C. No. 43507. S. Nos. 75-568 P, 78-899 P, 78-900 P.)

**QUANTITY:** 550 cases, 32 1-lb. boxes each, at Cleveland, Ohio.

**SHIPPED:** 9-3-59, from Chicago, Ill., by Berkshire Foods, Inc.

**LABEL IN PART:** "Fairmont Better Brand Butter \* \* \* Fairmont Foods Company Distributors—General Offices, Omaha, Nebraska," or "Sweet Clover Brand Butter \* \* \* Packed by Fairmont Foods Company, General Offices, Omaha, Neb."

**RESULTS OF INVESTIGATION:** Examination showed that the article was made from decomposed cream.

**LIBELED:** 9-11-59, N. Dist. Ohio.

**CHARGE:** 402(a) (3)—contained a decomposed substance when shipped.

**DISPOSITION:** 9-11-59. Consent—claimed by Berkshire Foods, Inc., and converted into butter oil.

### CHEESE

**26418. Cheddar cheese.** (F.D.C. No. 44379. S. Nos. 97-270/1 P, 97-276 P.)

**QUANTITY:** 758 ctns., 12 1½-lb. horns each, and 158 ctns., 4 horns each, at Chicago, Ill.

**SHIPPED:** Between 1-18-60 and 2-4-60, from Marathon, Wis., by Marathon Cheese Co., Inc.

**LABEL IN PART:** "4 Longhorn 9231 Made From Pasteurized Milk Wisconsin State Brand 111 Cheddar Cheese Wisconsin Jan. 11, 1960 (or other dates) Net Wt. 55¾," and "Wisconsin State Brand 111 Midget Longhorn Style Cheddar Cheese Made from Pasteurized Milk Kraft Foods Division."

**RESULTS OF INVESTIGATION:** Examination showed that the article failed to meet the definition and standard of identity for cheddar cheese since the milk used was not pasteurized, and the cheese so made had not been cured at a temperature of 35 degrees fahrenheit for a period of 60 days.

**LIBELED:** 3-21-60, N. Dist. Ill.